

MESSAGE NO: 6338201

MESSAGE DATE: 12/04/2006

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: FIN-Final Determination

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-533-843

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 08/08/2006 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: FINAL NEGATIVE CRITICAL CIRCUMSTANCES DETERMINATION IN THE
ANTIDUMPING DUTY INVESTIGATION OF CERTAIN LINED PAPER PRODUCTS FROM INDIA
(A-533-843

MESSAGE NO: 6338201

DATE: 12 04 2006

CATEGORY: ADA

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REFERENCE:

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CASES: A - 533 - 843

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PERIOD COVERED: 08 08 2006 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: FINAL NEGATIVE CRITICAL CIRCUMSTANCES DETERMINATION IN
THE ANTIDUMPING DUTY INVESTIGATION OF CERTAIN LINED
PAPER PRODUCTS FROM INDIA (A-533-843

1. ON AUGUST 8, 2006, THE DEPARTMENT OF COMMERCE PUBLISHED IN
THE FEDERAL REGISTER (71 FR 45012) ITS NEGATIVE FINAL
DETERMINATION OF CRITICAL CIRCUMSTANCES IN THE ANTIDUMPING DUTY
INVESTIGATION OF CERTAIN LINED PAPER PRODUCTS FROM INDIA.

2. FOR PURPOSES OF THIS INVESTIGATION, THE PRODUCT COVERED BY
THE SCOPE OF THIS INVESTIGATION INCLUDES CERTAIN LINED PAPER
PRODUCTS, TYPICALLY SCHOOL SUPPLIES, (FOR PURPOSES OF THIS SCOPE

DEFINITION, THE ACTUAL USE OF OR LABELING THIS PRODUCTS AS SCHOOL SUPPLIES OR NON-SCHOOL SUPPLIES IS NOT A DEFINING CHARACTERISTIC.) COMPOSED OF OR INCLUDING PAPER THAT INCORPORATES STRAIGHT HORIZONTAL AND/OR VERTICAL LINES ON TEN OR MORE PAPER SHEETS, (THERE SHALL BE NO MINIMUM PAGE REQUIREMENT FOR LOOSELEAF FILLER PAPER.) INCLUDING BUT NOT LIMITED TO SUCH PRODUCTS AS SINGLE- AND MULTI-SUBJECT NOTEBOOKS, COMPOSITION BOOKS, WIRELESS NOTEBOOKS, LOOSELEAF OR GLUED FILLER PAPER, GRAPH PAPER, AND LABORATORY NOTEBOOKS, AND WITH THE SMALLER DIMENSION OF THE PAPER MEASURING 6 INCHES TO 15 INCHES (INCLUSIVE) AND THE LARGER DIMENSION OF THE PAPER MEASURING 8-3/4 INCHES TO 15 INCHES (INCLUSIVE). PAGE DIMENSIONS ARE MEASURED SIZE (NOT ADVERTISED, STATED, OR "TEAR-OUT" SIZE), AND ARE MEASURED AS THEY APPEAR IN THE PRODUCT (I.E., STITCHED AND FOLDED PAGES IN A NOTEBOOK ARE MEASURED BY THE SIZE OF THE PAGE AS IT APPEARS IN THE NOTEBOOK PAGE, NOT THE SIZE OF THE UNFOLDED PAPER). HOWEVER, FOR MEASUREMENT PURPOSES, PAGES WITH TAPERED OR ROUNDED EDGES SHALL BE MEASURED AT THEIR LONGEST AND WIDEST POINTS. SUBJECT LINED PAPER PRODUCTS MAY BE LOOSE, PACKAGED OR BOUND USING ANY BINDING METHOD (OTHER THAN CASE BOUND THROUGH THE INCLUSION OF BINDERS BOARD, A SPINE STRIP, AND COVER WRAP). SUBJECT MERCHANDISE MAY OR MAY NOT CONTAIN ANY COMBINATION OF A FRONT COVER, A REAR COVER, AND/OR BACKING OF ANY COMPOSITION, REGARDLESS OF THE INCLUSION OF IMAGES OR GRAPHICS ON THE COVER, BACKING, OR PAPER. SUBJECT MERCHANDISE IS WITHIN THE SCOPE OF THIS INVESTIGATION WHETHER OR NOT THE LINED PAPER AND/OR COVER ARE HOLE PUNCHED, DRILLED, PERFORATED, AND/OR REINFORCED. SUBJECT MERCHANDISE MAY CONTAIN ACCESSORY OR INFORMATIONAL ITEMS

INCLUDING BUT NOT LIMITED TO POCKETS, TABS, DIVIDERS, CLOSURE DEVICES, INDEX CARDS, STENCILS, PROTRACTORS, WRITING IMPLEMENTS, REFERENCE MATERIALS SUCH AS MATHEMATICAL TABLES, OR PRINTED ITEMS SUCH AS STICKER SHEETS OR MINIATURE CALENDARS, IF SUCH ITEMS ARE PHYSICALLY INCORPORATED , INCLUDED WITH, OR ATTACHED TO THE PRODUCT, COVER AND/OR BACKING THERETO.

SPECIFICALLY EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION ARE:

UNLINED COPY MACHINE PAPER;

WRITING PADS WITH A BACKING (INCLUDING BUT NOT LIMITED TO PRODUCTS COMMONLY KNOWN AS "TABLETS," "NOTE PADS," "LEGAL PADS," AND "QUADRILLE PADS"), PROVIDED THAT THEY DO NOT HAVE A FRONT COVER (WHETHER PERMANENT OR REMOVABLE). THIS EXCLUSION DOES NOT APPLY TO SUCH WRITING PADS IF THEY CONSIST OF HOLE-PUNCHED OR DRILLED FILLER PAPER;

THREE-RING OR MULTIPLE-RING BINDERS, OR NOTEBOOK ORGANIZERS INCORPORATING SUCH A RING BINDER PROVIDED THAT THEY DO NOT INCLUDE SUBJECT PAPER;

INDEX CARDS;

PRINTED BOOKS AND OTHER BOOKS THAT ARE CASE BOUND THROUGH THE INCLUSION OF BINDERS BOARD, A SPINE STRIP, AND COVER WRAP;

NEWSPAPERS;

PICTURES AND PHOTOGRAPHS;

DESK AND WALL CALENDARS AND ORGANIZERS (INCLUDING BUT NOT LIMITED TO SUCH PRODUCTS GENERALLY KNOWN AS "OFFICE PLANNERS," "TIME BOOKS," AND "APPOINTMENT BOOKS");

TELEPHONE LOGS;

ADDRESS BOOKS;

COLUMNAR PADS TABLETS, WITH OR WITHOUT COVERS, PRIMARILY SUITED FOR THE RECORDING OF WRITTEN NUMERICAL BUSINESS DATA; LINED BUSINESS OR OFFICE FORMS, INCLUDING BUT NOT LIMITED TO: PREPRINTED BUSINESS FORMS, LINED INVOICE PADS AND PAPER, MAILING AND ADDRESS LABELS, MANIFESTS, AND SHIPPING LOG BOOKS;

LINED CONTINUOUS COMPUTER PAPER;

BOXED OR PACKAGED WRITING STATIONARY (INCLUDING BUT NOT LIMITED TO PRODUCTS COMMONLY KNOWN AS "FINE BUSINESS PAPER," "PARCHMENT PAPER," AND "LETTERHEAD"), WHETHER OR NOT CONTAINING A LINED HEADER OR DECORATIVE LINES;

STENOGRAPHIC PADS ("STENO PADS"), OR GREGG RULED, ("GREGG RULING" CONSISTS OF A SINGLE- OR DOUBLE-MARGIN VERTICAL RULING LINE DOWN THE CENTER OF THE PAGE. FOR A SIX-INCH BY NINE-INCH STENOGRAPHIC PAD, THE RULING WOULD BE LOCATED APPROXIMATELY THREE INCHES FROM THE LEFT OF THE BOOK) MEASURING 6 INCHES BY 9 INCHES;

ALSO EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION ARE THE FOLLOWING TRADEMARKED PRODUCTS:

FLY LINED PAPER PRODUCTS : A NOTEBOOK, NOTEBOOK ORGANIZER, LOOSE OR GLUED NOTE PAPER, WITH PAPERS THAT ARE PRINTED WITH INFRARED REFLECTIVE INKS AND READABLE ONLY BY A FLY PEN-TOP COMPUTER. THE PRODUCT MUST BEAR THE VALID TRADEMARK FLY . (PRODUCTS FOUND TO BE BEARING AN INVALIDLY LICENSED OR USED TRADEMARK ARE NOT EXCLUDED FROM THE SCOPE.)

ZWIPES : A NOTEBOOK OR NOTEBOOK ORGANIZER MADE WITH A BLENDED POLYOLEFIN WRITING SURFACE AS THE COVER AND POCKET SURFACES OF THE NOTEBOOK, SUITABLE FOR WRITING USING A SPECIALLY-DEVELOPED PERMANENT MARKER AND ERASE SYSTEM (KNOWN AS A ZWIPES PEN). THIS SYSTEM ALLOWS THE MARKER PORTION TO MARK THE WRITING SURFACE WITH A PERMANENT INK. THE ERASER PORTION OF THE MARKER DISPENSES A SOLVENT CAPABLE OF SOLUBILIZING THE PERMANENT INK ALLOWING THE INK TO BE REMOVED. THE PRODUCT MUST BEAR THE VALID TRADEMARK ZWIPES . (PRODUCTS FOUND TO BE BEARING AN INVALIDLY LICENSED OR USED TRADEMARK ARE NOT EXCLUDED FROM THE SCOPE.)

FIVESTAR ADVANCE : A NOTEBOOK OR NOTEBOOK ORGANIZER BOUND BY A CONTINUOUS SPIRAL, OR HELICAL, WIRE AND WITH PLASTIC FRONT AND REAR COVERS MADE OF A BLENDED POLYOLEFIN PLASTIC MATERIAL JOINED BY 300 DENIER POLYESTER, COATED ON THE BACKSIDE WITH PVC (POLY VINYL CHLORIDE) COATING, AND EXTENDING THE ENTIRE LENGTH OF THE

SPIRAL OR HELICAL WIRE. THE POLYOLEFIN PLASTIC COVERS ARE OF SPECIFIC THICKNESS;

FRONT COVER IS .019 INCHES (WITHIN NORMAL MANUFACTURING TOLERANCES) AND REAR COVER IS .028 INCHES (WITHIN NORMAL MANUFACTURING TOLERANCES). INTEGRAL WITH THE STITCHING THAT ATTACHES THE POLYESTER SPINE COVERING, IS CAPTURED BOTH ENDS OF A 1" WIDE ELASTIC FABRIC BAND. THIS BAND IS LOCATED 2-3/8" FROM THE TOP OF THE FRONT PLASTIC COVER AND PROVIDES PEN OR PENCIL STORAGE. BOTH ENDS OF THE SPIRAL WIRE ARE CUT AND THEN BENT BACKWARDS TO OVERLAP WITH THE PREVIOUS COIL BUT SPECIFICALLY OUTSIDE THE COIL DIAMETER BUT INSIDE THE POLYESTER COVERING. DURING CONSTRUCTION, THE POLYESTER COVERING IS SEWN TO THE FRONT AND REAR COVERS FACE TO FACE (OUTSIDE TO OUTSIDE) SO THAT WHEN THE BOOK IS CLOSED, THE STITCHING IS CONCEALED FROM THE OUTSIDE. BOTH FREE ENDS (THE ENDS NOT SEWN TO THE COVER AND BACK) ARE STITCHED WITH A TURNED EDGE CONSTRUCTION. THE FLEXIBLE POLYESTER MATERIAL FORMS A COVERING OVER THE SPIRAL WIRE TO PROTECT IT AND PROVIDE A COMFORTABLE GRIP ON THE PRODUCT. THE PRODUCT MUST BEAR THE VALID TRADEMARKS FIVESTAR ADVANCE. (PRODUCTS FOUND TO BE BEARING AN INVALIDLY LICENSED OR USED TRADEMARK ARE NOT EXCLUDED FROM THE SCOPE.)

FIVESTAR FLEX : A NOTEBOOK, A NOTEBOOK ORGANIZER, OR BINDER WITH PLASTIC POLYOLEFIN FRONT AND REAR COVERS JOINED BY 300 DENIER POLYESTER SPINE COVER EXTENDING THE ENTIRE LENGTH OF THE SPINE AND BOUND BY A 3-RING PLASTIC FIXTURE. THE POLYOLEFIN PLASTIC COVERS ARE OF A SPECIFIC THICKNESS; FRONT COVER IS .019 INCHES (WITHIN NORMAL MANUFACTURING TOLERANCES) AND REAR COVER IS .028 INCHES (WITHIN NORMAL MANUFACTURING TOLERANCES). DURING CONSTRUCTION, THE POLYESTER COVERING IS SEWN TO THE FRONT COVER FACE TO FACE (OUTSIDE TO OUTSIDE) SO THAT WHEN THE BOOK IS CLOSED, THE STITCHING IS CONCEALED FROM THE OUTSIDE. DURING CONSTRUCTION, THE POLYESTER COVER IS SEWN TO THE BACK COVER WITH THE OUTSIDE OF THE POLYESTER SPINE COVER TO THE INSIDE BACK COVER. BOTH FREE ENDS (THE ENDS NOT SEWN TO THE COVER AND BACK) ARE STITCHED WITH A TURNED EDGE CONSTRUCTION. EACH RING WITHIN THE FIXTURE IS COMPRISED OF A FLEXIBLE STRAP PORTION THAT SNAPS

INTO A STATIONARY POST WHICH FORMS A CLOSED BINDING RING. THE RING FIXTURE IS RIVETED WITH SIX METAL RIVETS AND SEWN TO THE BACK PLASTIC COVER AND IS SPECIFICALLY POSITIONED ON THE OUTSIDE BACK COVER. THE PRODUCT MUST BEAR THE VALID TRADEMARK FIVESTAR FLEX. (PRODUCTS FOUND TO BE BEARING AN INVALIDLY LICENSED OR USED TRADEMARK ARE NOT EXCLUDED FROM THE SCOPE.)

MERCHANDISE SUBJECT TO THIS INVESTIGATION IS TYPICALLY IMPORTED UNDER HEADINGS 4820.10.2010, 4820.10.2020, 4820.10.2050, 4810.22.5044, 4811.90.9090 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ANNOTATED (HTSUSA). (DURING THE INVESTIGATION ADDITIONAL HTS CODES MAY BE IDENTIFIED). THE TARIFF CLASSIFICATIONS ARE PROVIDED FOR CONVENIENCE AND U.S. CUSTOMS AND BORDER PROTECTION PURPOSES; HOWEVER, THE WRITTEN DESCRIPTION OF THE SCOPE OF THE INVESTIGATION IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-533-843.

4. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O3:GM).

5. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party